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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,725	08/06/2001	Gregory J. Goldspring	LAM2P267A	1734
25920	7590	02/08/2003		
MARTINE & PENILLA, LLP 710 LAKEWAY DRIVE SUITE 170 SUNNYVALE, CA 94085			EXAMINER	
			AHMED, SHAMIM	
			ART UNIT	PAPER NUMBER
			1765	7

DATE MAILED: 07/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

A9-7

Office Action Summary	Application No.	Applicant(s)	
	09/923,725	GOLDSPRING ET AL.	
	Examiner	Art Unit	
	Shamim Ahmed	1765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 05 May 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-39 is/are pending in the application.

4a) Of the above claim(s) 20-39 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-19 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 06 August 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> .	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-19 in Paper No. 6 is acknowledged.

Claim Objections

2. Claims 1-19 are objected to because of the following informalities: In claim 1, line 1, the use of the term "an apparatus" to refer to "a standard wafer" that comprises a mixture of a process agent and a material can be alternatively addressed as a "product" instead of "an apparatus". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2,16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Garaza et al (6,081,659).

Garaza et al disclose a simulation process, wherein a product comprises a support layer of a semiconductor substrate (160) upon which a liquid photoresist layer (162), which is a mixture of solvent and photoresist material is formed on the support layer and the product is capable of simulating (col.7, lines 1-4 and lines 30-45).

As to claim 17, Garaza et al teach that the support layer may include silicon, metal and variety of other materials (col.7, lines 35-39).

As to claim 18, Garaza et al teach that the photoresist is baked on the support layer (col.7, lines 47-52).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 3-15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garaza et al (6,081,659) as applied to claims 1-2,16-18 above, and further in view of Applicant's admitted prior art and Moslehi (5,719,495).

Garaza et al discussed above in the paragraph 4 but fail to disclose that the material layer could comprise silicon, tungsten, tungsten silicide, titanium, aluminum platinum, ruthenium, copper, nickel.

However, Applicants admitted prior art disclose that a standard test wafer includes a wafer (support layer) including any type of materials thereon such as aluminum and the like, which is supported by Moslehi (see page 3, 1st paragraph of the specification).

In a process for testing semiconductor wafer physical characteristics, Moslehi teach that it is conventional to form various layers such as aluminum, copper, tungsten, silicon, polysilicon, titanium or metal silicides on the wafer surface depending on the kind of integrated circuit device fabrication (col.1, lines 26-34).

Therefore, it would have been obvious to one skilled in the art at the time of claimed invention to combine the teaching of having any of the material on the wafer surface as suggested by Applicant's admitted prior art into Garaza et al's wafer for easily forming a desired production wafer as taught by Applicant's admitted prior art as supported by Moslehi.

As to claim 19, Garaza et al teach that the photoresist is exposed to produce a pattern on the semiconductor substrate (col.8, lines 32-39).

So, it would have been obvious that the ratio between the process agent and the material corresponds to an exposed area on the wafer to be simulated.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Flowers (4,200,463) disclose a semiconductor device, in which a photoresist is coated on silicon dioxide over a bare silicon wafer for the purpose of simulating actual semiconductor processing conditions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shamim Ahmed whose telephone number is (703) 305-1929. The examiner can normally be reached on M-Thu (7:00-5:30) Every Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Utech can be reached on (703) 308-3836. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Shamim Ahmed
Examiner
Art Unit 1765

SA
July 1, 2003

Ben Utech
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